

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA

07-33564

CHAPTER 13 PLAN
AND RELATED MOTIONS

Name of Debtor(s): **Thiada Yvette Holmes**

Case No:

This plan, dated September 26, 2007, is:

- ☒ the *first* Chapter 13 plan filed in this case.
☐ a modified plan, which replaces the plan dated _____.

Date and Time of Modified Plan Confirming Hearing:

Place of Modified Plan Confirmation Hearing:

The plan provisions modified by this filing are:

Creditors affected by this modification are:

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than ten (10) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: **\$13,800.00**

Total Non-Priority Unsecured Debt: **\$23,911.00**

Total Priority Debt: **\$0.00**

Total Secured Debt: **\$9,500.00**

1. **Funding of Plan.** The debtor(s) propose to pay the trustee the sum of **\$50.00 Monthly for 2 months, then \$363.00 Monthly for 52 months**. Other payments to the Trustee are as follows: NONE. The total amount to be paid into the plan is \$ 18,976.00.

2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.

A. Administrative Claims under 11 U.S.C. § 1326.

1. The Trustee will be paid 10% of all sums disbursed except for funds returned to the debtor(s).
2. Debtor(s)' attorney will be paid \$ 3,000.00 balance due of the total fee of \$ 3,000.00 concurrently with or prior to the payments to remaining creditors.

B. Claims under 11 U.S.C. § 507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

<u>Creditor</u>	<u>Type of Priority</u>	<u>Estimated Claim</u>	<u>Payment and Term</u>
-NONE-			

3. **Secured Creditors and Motions to Value Collateral.**

This paragraph provides for claims of creditors who hold debts that are secured by real or personal property of the debtors(s) but (a) are not secured solely by the debtor(s)' principal residence and (b) do not have a remaining term longer than the length of this plan.

A. Claims to Which § 506 Valuation is NOT Applicable. Claims listed in this subsection consist of debts secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor for which the debt was incurred within 910 days of the filing of the bankruptcy petition, or if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a)(5). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the amount of the claim in column (d) with interest at the rate stated in column (e). **Upon confirmation of the plan, the interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

(a) <u>Creditor</u>	(b) <u>Collateral</u>	(c) <u>Purchase Date</u>	(d) <u>Est Claim Amt</u>	(e) <u>Interest Rate</u>	(f) <u>Monthly Paymt& Estimate Term**</u>
Integrity Motors	1998 Lincoln Navigator, 189,000 miles Market value is based on the current NADA guide (7,700) vehicle in poor condition	2/17/06	9,500.00	8%	Prorata 37 months

- B. Claims to Which §506 Valuation is Applicable.** Claims listed in this subsection consist of any claims secured by personal property not described in Plan paragraph 3.A. After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the replacement value as stated in column (d) or the amount of the claim, whichever is less, with interest at the rate stated in column (e). The portion of any allowed claim that exceeds the value indicated below will be treated as an unsecured claim. **Upon confirmation of the plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Replacement Value	(e) Interest Rate	(f) Monthly Paymt& Estimate Term**
-NONE-					

**** THE MONTHLY PAYMENT STATED HERE SHALL BE THE ADEQUATE PROTECTION PAYMENTS PURSUANT TO 1326(a)(1)(C) TO THESE CREDITORS UNLESS OTHERWISE PROVIDED IN PARAGRAPH 11 OR BY SEPARATE ORDER OF THE COURT.**

- C. Collateral to be surrendered.** Upon confirmation of the plan, or before, the debtor will surrender his or her interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled shall be paid as a non-priority unsecured claim. The order confirming the plan shall have the effect of terminating the automatic stay as to the collateral surrendered.

Creditor	Collateral Description	Estimated Total Claim	Full Satisfaction (Y/N)
-NONE-			

4. Unsecured Claims.

- A. Not separately classified.** Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 11 %. If this case were liquidated under Chapter 7, the debtor(s) estimate unsecured creditors would receive a dividend of approximately 0 %.

- B. Separately classified unsecured claims.**

Creditor	Basis for Classification	Treatment
-NONE-		

5. Long Term Debts and claims Secured by the Debtor(s)' Primary Residence.

Creditors listed below are either secured by the debtor(s)' principal residence or hold a debt the term of which extends beyond the term of this plan.

- A. Debtor(s) to pay claim directly.** The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below.

Creditor	Collateral	Regular Contract Payment	Estimated Arrearage	Interest Rate	Estimated Cure Period	Monthly Arrearage Payment
-NONE-						

- B. Trustee to pay the contract payments and the arrearages.** The creditors listed below will be paid by the Trustee the regular contract monthly payments during the term of this plan. The arrearage claims, if any, will be cured by the Trustee by payments made either pro rata with other secured claims or by fixed monthly payments as indicated below.

<u>Creditor</u>	<u>Collateral</u>	<u>Regular Contract Payment</u>	<u>Estimated Arrearage</u>	<u>Interest Rate</u>	<u>Term for Arrearage</u>	<u>Monthly Arrearage Payment</u>
-NONE-						

- 6. Executory Contracts and Unexpired Leases.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.

- A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

<u>Creditor</u>	<u>Type of Contract</u>
-NONE-	

- B. Executory contracts and unexpired leases to be assumed.** The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

<u>Creditor</u>	<u>Type of Contract</u>	<u>Arrearage</u>	<u>Monthly Payment for Arrears</u>	<u>Estimated Cure Period</u>
-NONE-				

- 7. Motions to Avoid Liens.**

- A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f).** The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. **Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien.** If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u>	<u>Collateral</u>	<u>Exemption Basis and Amount</u>	<u>Value of Collateral</u>
-NONE-			

- B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f).** The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for informational purposes only.

<u>Creditor</u>	<u>Type of Lien</u>	<u>Description of Collateral</u>	<u>Basis for Avoidance</u>
-NONE-			

- 8. Treatment of Claims.**

- All creditors must timely file a proof of claim to receive payment from the Trustee.
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the plan, the creditor may be treated as unsecured for purposes of distribution under the plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the plan.

- 9. Vesting of Property of the Estate.** Property of the estate shall revert in the debtor(s) upon confirmation of the plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, or encumber real property without approval of the court.

10. **Incurrence of indebtedness.** During the term of the plan, the debtor(s) shall not voluntarily incur additional indebtedness in an amount exceeding \$5,000 without approval of the court.
11. **Other provisions of this plan:**
The Chapter 13 Trustee is authorized to extend the term of the plan as necessary in order to maintain the minimum percentage payout to unsecured creditors as set forth in the Chapter 13 Plan.

Signatures:

Dated: September 26, 2007

/s/ Thiada Yvette Holmes
Thiada Yvette Holmes
Debtor

/s/ Nnika E. White, Esq.
Nnika E. White, Esq. 47012
Debtor's Attorney

Exhibits: **Copy of Debtor(s)' Budget (Schedules I and J);**
 Matrix of Parties Served with plan

Certificate of Service

I certify that on September 26, 2007, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Nnika E. White, Esq.
Nnika E. White, Esq. 47012
Signature

7204 Glen Forest Drive
Suite 104
Richmond, VA 23226
Address

(804) 282-2021
Telephone No.

Ver. 06/28/06 [effective 09/01/06]

**United States Bankruptcy Court
Eastern District of Virginia**

In re Thiada Yvette Holmes

Debtor(s)

Case No.

Chapter

13

SPECIAL NOTICE TO SECURED CREDITOR

To: **Integrity Motors
6912 Brook Road
Richmond, VA 23227**

Name of creditor

**1998 Lincoln Navigator, 189,000 miles
Market value is based on the current NADA guide (7,700)
vehicle in poor condition**

Description of collateral

1. The attached chapter 13 plan filed by the debtor(s) proposes (*check one*):

- ☒ To value your collateral. ***See Section 3 of the plan.*** Your lien will be limited to the value of the collateral, and any amount you are owed above the value of the collateral will be treated as an unsecured claim.
- ☐ To cancel or reduce a judgment lien or a non-purchase money, non-possessory security interest you hold. ***See Section 7 of the plan.*** All or a portion of the amount you are owed will be treated as an unsecured claim.

2. ***You should read the attached plan carefully for the details of how your claim is treated.*** The plan may be confirmed, and the proposed relief granted, unless you file and serve a written objection by the date specified and appear at the confirmation hearing. A copy of the objection must be served on the debtor(s), their attorney, and the chapter 13 trustee.

Date objection due:

Date and time of confirmation hearing:

Place of confirmation hearing:

Thiada Yvette Holmes

Name(s) of debtor(s)

By: **/s/ Nnika E. White, Esq.**

Nnika E. White, Esq. 47012

Signature

☒ Debtor(s)' Attorney

☐ Pro se debtor

Nnika E. White, Esq. 47012

Name of attorney for debtor(s)

7204 Glen Forest Drive

Suite 104

Richmond, VA 23226

Address of attorney [or pro se debtor]

Tel. # **(804) 282-2021**

Fax #

CERTIFICATE OF SERVICE

I hereby certify that true copies of the foregoing Notice and attached Chapter 13 Plan and Related Motions were served upon the creditor noted above by

☒ first class mail in conformity with the requirements of Rule 7004(b), Fed.R.Bankr.P; or

☐ certified mail in conformity with the requirements of Rule 7004(h), Fed.R.Bankr.P

on this **September 26, 2007**.

/s/ Nnika E. White, Esq.

Nnika E. White, Esq. 47012

Signature of attorney for debtor(s)

In re **Thiada Yvette Holmes**

Case No. _____

Debtor(s)

SCHEDULE I. CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child.

Debtor's Marital Status: Single	DEPENDENTS OF DEBTOR AND SPOUSE	
	RELATIONSHIP(S): Son Son Son	AGE(S): 12 7 9
Employment:	DEBTOR	SPOUSE
Occupation	PRN	
Name of Employer	Masonic Home of Virginia	
How long employed	9 years	
Address of Employer	4101 Nine Mile Road Richmond, VA 23223	

INCOME: (Estimate of average or projected monthly income at time case filed)

- Monthly gross wages, salary, and commissions (Prorate if not paid monthly)
- Estimate monthly overtime

3. SUBTOTAL

4. LESS PAYROLL DEDUCTIONS

- Payroll taxes and social security
- Insurance
- Union dues
- Other (Specify): _____

5. SUBTOTAL OF PAYROLL DEDUCTIONS

6. TOTAL NET MONTHLY TAKE HOME PAY

- Regular income from operation of business or profession or farm (Attach detailed statement)
- Income from real property
- Interest and dividends
- Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above
- Social security or government assistance (Specify): _____

12. Pension or retirement income

13. Other monthly income

(Specify): **Child Support**

14. SUBTOTAL OF LINES 7 THROUGH 13

15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)

16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15; if there is only one debtor repeat total reported on line 15)

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

DEBTOR	SPOUSE
\$ 2,074.56	\$ N/A
\$ 0.00	\$ N/A
\$ 2,074.56	\$ N/A
\$ 429.37	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 429.37	\$ N/A
\$ 1,645.19	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 0.00	\$ N/A
\$ 400.00	\$ N/A
\$ 0.00	\$ N/A
\$ 400.00	\$ N/A
\$ 2,045.19	\$ N/A
\$ 2,045.19	

- | | | | |
|----|---|----|-----------------|
| a. | Average monthly income from Line 15 of Schedule I | \$ | <u>2,045.19</u> |
| b. | Average monthly expenses from Line 18 above | \$ | <u>1,703.00</u> |
| c. | Monthly net income (a. minus b.) | \$ | <u>342.19</u> |

Afni, Inc.
Attn; DP Recovery Support
Po Box 3427
Bloomington, IL 61702

Alliance One
Po Box 3102
Southeastern, PA 19398

Allied Interstate Inc
435 Ford Rd Ste 800
Minneapolis, MN 55426

Cavalier Telephone
P. O Box 2950
Richmond, VA 23228

Cco Mortgage Corp.
2812 Emerywood Pkwy
Richmond, VA 23294

Citi Auto
10422 Midlthan Trnpk
Richmond, VA 23235

City of Richmond
Dept of Utilities
900 E. Broad St Rm 102
Richmond, VA 23219

Credit Control Corp
11825 Rock Landing Dr.
Newport News, VA 23606

Current Credit Inc.
PO Box 5907
Toledo, OH 43613-0907

Dt Credit Co
Po Box 29018
Phoenix, AZ 85038

Emergency Physicians Office
PO Box 60439
Fort Myers, FL 33906-6439

First Revenue Assurance
P. O. box 5818
Denver, CO 80217

Integrity Motors
6912 Brook Road
Richmond, VA 23227

Nco Fin/27
Po Box 7216
Philadelphia, PA 19101

Resurgent Capital Service/Sherman Acquis
Po Box 10587
Greenville, SC 29603

Sallie Mae 3rd Pty Lsc
11100 Usa Parkway
Fishers, IN 46037

Sherman Acquisitions
Resurgent Capital Services
Po Box 10587
Greenville, SC 29603

Transworld Systems Inc.
4560 South Blvd Ste 100
Virginia Beach, VA 23452

US Dept of Education
Po Box 5609
Greenville, TX 75403

Verizon Va
Po Box 165018
Columbus, OH 43216

Verizon Virginia Inc
Po Box 165018
Columbus, OH 43216

West Asset Management
Po Box 2308
Sherman, TX 75091

Zwerdling, Oppleman & Adams
5020 Monument Avenue
Richmond, VA 23230